



AF/2839

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of

Peter HUENIKEN *et al.*

Application No.: 09/639,083

Filed: 16 August 2000

For: MULTIPLE AXIS CONNECTION SYSTEM

Group Art Unit: 2839

Examiner: Prasad, C.

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Assistant Commissioner of Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Request for Reconsideration Under 37 C.F.R. § 1.116 in reply to the Office Action dated 2 August 2002.
2. Additional papers enclosed:
 - ☐ Request for Approval of Drawing Change
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ reference(s) included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$_____.

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for _____ months has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	15	minus	20	0	x \$18 each=	+ \$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	4	minus	4	0	x \$84 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$270.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

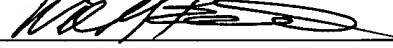
☒ No fee is to be paid at this time.

☐ The Commissioner is hereby authorized to charge \$_____ to Deposit Account No. 50-0310.

☒ The Commissioner is hereby authorized to charge any additional fees that may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Date: 4 November 2002

By: 
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Attorney Docket No. 051481-5053

#15/Response
Shawn
11/7/02

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Commissioner for Patents
Washington, D.C. 20231

Sir:

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

In reply to the final Office Action dated 2 August 2002, the period for reply to which continues to run through November 2, 2002, please reconsider the application in view of the following remarks.

Applicants respectfully traverse the finality of the Office Action. Applicants respectfully point out that MPEP § 609(B)(1) states “[i]t would not be proper to make final a first Office Action...in an application after the filing of an RCE if the information submitted in an IDS during the time period set forth in 37 C.F.R. § 1.97(b) is used in the new ground of rejection. The Office Action makes a new rejection that relies on information (i.e., European Patent Application No. 415,489 (Mouissie)) submitted in the IDS under Section 1.97(b). The IDS was filed concurrently with a Request for Continued Examination such that the IDS was timely filed prior to the mailing date of the Office Action pursuant to Section 1.97(b). Thus, making “final” the Office Action is contrary to MPEP § 609(B)(1), and Applicants respectfully request withdrawal of the finality of the Office Action and entry of this reply into the record.

Applicants respectfully request acknowledgement in the next Office Action of the proposed drawing change appended to the response filed 11 February 2002. The Advisory Action dated 22 February 2002, indicated that the response would be entered for purposes of Appeal and Applicants submitted a Notice of Appeal on 11 March 2002. Accordingly,